

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN MIKE TAYLOR**, on February 6, 2001 at 8:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Taylor, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dale Berry (R)
Sen. Edward Butcher (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Dale Mahlum (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 292, 2/3/2001; HB 235,
2/3/2001; HB 220, 2/3/2001
Executive Action: HB 235; HB 155; SB 80; SB 141;
HB 220; SB 299

HEARING ON SB 292

Sponsor: SENATOR MIKE SPRAGUE, SD 6, BILLINGS

Proponents: Carl Schweitzer, Montana Plumbers Association
Jerry Lyford, State Board of Plumbers
Dave Waldenberg, Plumbing & Heating Contractors
Jo Hawkins, Citizen Member, Board of Plumbers

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 1.4}

SENATOR MIKE SPRAGUE, SD 6, BILLINGS, said this bill would require that if you say you are a plumber you must be a plumber.

Proponents' Testimony:

Carl Schweitzer, Montana Plumbers Association, said this bill says you must be a master licensed plumber if you advertise as a plumber. This bill would permit the board of plumbers to respond to complaints of people representing themselves as plumbers.

Jerry Lyford, State Board of Plumbers, said there are a lot of people who represent themselves as plumbers, but they are not licensed. He said these people especially prey on the senior citizens who rely on the yellow pages to secure people to work for them. He stated that the person does the work, gets paid for it, and then what they were paid to do doesn't work.

Dave Waldenberg, Plumbing & Heating Contractors, said that it is a safety issue to have professionals do this work.

Jo Hawkins, Citizen Member, Board of Plumbers, handed in her written testimony. **EXHIBIT**(bus30a01)

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR ED BUTCHER asked how this would affect the handyman who does plumbing, not advertising himself as a plumber.

Dave Waldenberg said minor repairs can be done, but a line is crossed when they break into the piping and into the potable water supply.

SENATOR BUTCHER asked if a plumber would have to be hired to put in a hot water heater.

Dave Waldenberg said as a private citizen in your own home you could put the water heater in yourself, but as a handyman or appliance dealer they couldn't.

CHAIRMAN TAYLOR asked how this would be enforced.

Jerry Lyford said there are enforcement officers already in place to enforce this law.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 23.7}

SENATOR MIKE SPRAGUE, SD 6, BILLINGS, stated that the homeowner is always able to do his own plumbing.

HEARING ON HB 235

Sponsor: REPRESENTATIVE ROY BROWN, HD 14, BILLINGS

Proponents: Michael O'Brien, Secretary of States Office

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 27.8}

REPRESENTATIVE ROY BROWN, HD 14, BILLINGS, said this bill is to prohibit business name identifiers other than the actual name of the business identity. For example, if they are a corporation they can't call themselves a limited partnership.

Proponents' Testimony:

Michael O'Brien, Secretary of State's Office, said this stemmed from a case where a company was called a corporation, but it was functioning as a limited partnership. It was taken to court and the judge said there was no law against this. He said this is common sense legislation to clarify the law.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 3.6}

REPRESENTATIVE ROY BROWN, HD 14, BILLINGS, closed without comment.

EXECUTIVE ACTION ON HB 235

Motion/Vote: SEN. MAHLUM moved that HB 235 BE CONCURRED IN.
Motion carried unanimously.

EXECUTIVE ACTION ON HB 155

Motion/Vote: SEN. SPRAGUE moved that HB 155 BE CONCURRED IN.
Motion carried unanimously.

EXECUTIVE ACTION ON SB 80

Motion/Vote: SEN. MAHLUM moved that SB 80 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON SB 141

Motion: SEN. COCCHIARELLA moved AMENDMENT TO SB 141.
EXHIBIT(bus30a03)

Discussion: SENATOR MAHLUM said he thinks this a good bill for small business. CHAIRMAN TAYLOR said you have to let the person know when you put something in their file. Unintended consequences could come from this bill. SENATOR BERRY said it should be made clear that it is the person whose file it is that is able to look at the file. SENATOR SPRAGUE said the files need to be kept up to date, not just a collection file. SENATOR COCCHIARELLA thinks this clearly says it is the employee who gets to see the file. Bart Campbell suggested a conceptual amendment.

Vote: Motion carried unanimously.

Motion/Vote: SEN. ROUSH moved that SB 141 DO PASS. Motion carried unanimously.

HEARING ON HB 220

Sponsor: REPRESENTATIVE BOB LAWSON, HD 80, WHITEFISH

Proponents: Bob Pyfer, Montana Credit Union League

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 24.7}

REPRESENTATIVE BOB LAWSON, HD 80, WHITEFISH, said this bill makes changes to the credit union laws to update for technology, remove some inconsistencies in the act and remove a provision that conflicts with federal law.

Proponents' Testimony:

Bob Pyfer, Montana Credit Unions League, went over the sections in detail. **EXHIBIT**(bus30a02)

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR DALE MAHLUM asked about the records.

Bob Pyfer said it makes electronic data able to be evidence.

SENATOR SPRAGUE asked about faxes.

Bob Pyfer said loans are made by fax, but usually they follow up with the original document.

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 7.9}

REPRESENTATIVE BOB LAWSON, HD 80, WHITEFISH, closed without comment.

EXECUTIVE ACTION ON HB 220

Motion/Vote: SEN. SPRAGUE moved that HB 220 BE CONCURRED IN.
Motion carried unanimously.

EXECUTIVE ACTION ON SB 299

Discussion:

SENATOR TAYLOR said most of the proponents were subcontractors and the opponents were contractors. SENATOR ROUSH said the Department of Commerce had some amendments, but haven't put them in yet. SENATOR RYAN said that for the small independent guys it would be a take it or leave it situation.

Motion/Vote: SEN. SPRAGUE moved that SB 299 DO PASS. Motion carried 8-1 with Kitzenberg voting no.

ADJOURNMENT

Adjournment: 9:30 A.M.

SEN. MIKE TAYLOR, Chairman

KYANNE KELLY, Secretary

EXHIBIT (bus30aad)